

House File 2168 - Introduced

HOUSE FILE 2168

BY HEARTSILL

A BILL FOR

1 An Act modifying penalties for trespassing.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 716.8, subsections 1 and 5, Code 2016,
2 are amended to read as follows:

3 1. ~~Any~~ Except as otherwise may be provided in this section,
4 any person who knowingly trespasses upon the property of
5 another commits a simple misdemeanor punishable as a scheduled
6 violation under section 805.8C, subsection 11.

7 5. A person who commits a trespass while hunting deer,
8 other than a farm deer as defined in [section 170.1](#) or preserve
9 whitetail as defined in [section 484C.1](#), commits a simple
10 misdemeanor punishable as a scheduled violation under section
11 805.8C, subsection 11. The person shall also be subject to
12 civil penalties as provided in [sections 481A.130](#) and [481A.131](#).
13 A deer taken by a person while committing such a trespass shall
14 be subject to seizure as provided in [section 481A.12](#).

15 Sec. 2. Section 805.8C, Code 2016, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 11. *Trespassing violations.* For trespasses
18 punishable under section 716.8, subsection 1 or 5, the
19 scheduled fine is two hundred dollars for a first violation,
20 five hundred dollars for a second violation, and one thousand
21 dollars for a third or subsequent violation.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill modifies penalties for trespassing.

26 Under current law, a trespass that does not involve injury
27 to a person or damages of more than \$200, an intent to commit a
28 hate crime, or public utility property, is a simple misdemeanor
29 and is punishable by a fine between \$65 and \$625, as determined
30 by a court. A court may also order imprisonment not to exceed
31 30 days in lieu of or in addition to a fine.

32 The bill amends current law by modifying the penalty for
33 a trespass which does not involve damages of more than \$200,
34 an intent to commit a hate crime, or public utility property.
35 Under the bill, such a trespass remains a simple misdemeanor,

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1 but is punishable as a scheduled fine. The fine schedule is
2 \$200 for the first violation, \$500 for the second violation,
3 and \$1,000 for third or subsequent violations.